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09/578,291	05/25/2000	Jay Paul Drummond	D-1077+15	5931
28995	7590	04/21/2006	EXAMINER	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			CAMPEN, KELLY SCAGGS	
			ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/578,291
Filing Date: May 25, 2000
Appellant(s): DRUMMOND ET AL.

Ralph E. Jocke
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/11/2005 appealing from the Office action mailed 7/15/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

US Application Serial Number 09/193, 787

US Application Serial Number 09/077,337

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Los Angeles Times article, “TRADE IT YOURSELF BANK MACHINES MAKE A DEBUT” hereinafter referred to as “LA Times”.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by over the Los Angeles Times article, “TRADE IT YOURSELF BANK MACHINES MAKE A DEBUT” hereinafter referred to as “LA Times”.

LA Times discloses Citibank automated teller machines for performing the normal banking functions of an ATM and in addition, providing financial services such as the brokerage functions of buying and selling of stocks and accessing market values for stocks etc. The screen of the Citibank ATM has separate menus for banking and brokerage services through which interface the user can access their banking account or their brokerage account. The Citibank ATM is considered to perform all the banking functions of a typical ATM, such as account access, transfer funds, dispense cash, dispense receipts, dispense statements, etc. The Citibank ATM is also considered to possess all the normal components and component interrelationships

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of an ATM machine such as a card reader, currency output device and a currency sheet dispenser, a receipt output device including a receipt sheet dispenser, etc., and a computer in operative connection with the output devices and the currency sheet dispensers, these ATM components being inherent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Los Angeles Times article, "TRADE IT YOURSELF BANK MACHINES MAKE A DEBUT" hereinafter referred to as "LA Times", in view of Infoworld article, "TP-Monitor Vendors Spin Web features", hereinafter referred to as "Infoworld article" (this reference was cited on the PTO-892 mailed as part of paper 8 on 2/17/2000) or Anderson et al. (US 5,706,442).

LA Times discloses Citibank automated teller machines for performing the normal banking functions of an ATM and in addition, providing financial services such as the brokerage functions of buying and selling of stocks and accessing market values for stocks etc. The screen of the Citibank ATM has separate menus for banking and brokerage services through which interface the user can access their banking account or their brokerage account. The Citibank ATM is considered to perform all the banking functions of a typical ATM, such as account access, transfer funds, dispense cash, dispense receipts, dispense statements, etc. The Citibank ATM is also considered to possess all the normal components and component interrelationships of an ATM machine such as a card reader, currency output device and a currency sheet dispenser, a receipt output device including a receipt sheet dispenser, etc., and a computer in operative connection with the output devices and the currency sheet dispensers, these ATM components being inherent.

LA Times is silent as to the precise nature of the user interface at the Citibank ATM. It is unknown if the user interface is a web browser interface or some other type of interface.

The Infoworld article discloses an NCR automated teller machine that has a web browser interface, so as to *“enable transactions over the web”* and *“to make one or 10,000 machines look as if they are local to your computing resource”*. The browser interface is the interface through which all the ATM banking functions of the NCR ATM machine are performed, such as account access, funds transfer, the dispensing of currency and receipts responsive to the interaction of the user with the web browser interface.

Anderson et al. disclose a system for on-line financial services, the system comprising an Internet browser interface, specifically a hypertext mark-up language web browser (column 2, lines 40 47).

It would have been obvious, in view of Infoworld or Anderson et al, to one of ordinary skill in the art at the time that the invention was made, to provide the Citibank ATM of LA Times with a web browser interface so as to enable the ATM user to perform all the typical ATM functions including transactions over the web and dispensing sheets and currency through the output devices. The Citibank ATM of LA Times thus modified, would enable a user to conveniently perform all the typical ATM banking and brokerage functions at the ATM screen through a web browser interface and make it appear to the user that the ATM machine was local to the computer resource containing the relevant bank or brokerage account. The user would be able access the bank account, transfer funds, dispense currency and receipts etc. through ATM sheet feeders output devices responsive to the interaction of the user with the pages/ documents viewed at the web browser interface of the ATM screen.

The examiner takes official notice of the fact that it is notoriously well known in the art of sheet feeders that the documents processed by the controlling web browser interface of a

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particular sheet feeding machine contain instructions for controlling the output devices of the machine, such as dispense instructions for feeding sheets through the output devices of the machine, such an arrangement providing an effective and reliable control system for the output devices of the machine. Official notice is also taken that it is well known that these documents are often HTML documents/ pages.

It would have been obvious to the one of ordinary skill in the art in the above modification of the Citibank ATM of LA Times with a web browser as taught by Infoworld or Anderson et al., that the documents/pages processed by the web browser interface of the ATM machine would contain dispense instructions for performing the sheet feeding function through the output devices of the machine, and instructions for performing any other required functions of the ATM machine, such an arrangement providing an effective and reliable control system for the output devices of the machine.

Typical ATM machine requires a user to insert an ATM card into the ATM's card reader to access the users bank account. The browser of the Citibank ATM, as modified above, would open web pages related to the user, the web pages having previously determined addresses and performing different transactional and informational functions as required by the user.

Regarding claims 29 and 31, all ATM's have a cash dispenser device operative to dispense cash during the operation of the ATM.

(10) Response to Argument

Applicant's arguments would lead one to believe that browser pages such as Internet Explorer do not possess the instructions to affect the printing of a page at a connecting printing device.

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In response to Applicant's arguments concerning whether the ATM in the LA Times article is able to provide account access, transfer funds, and dispense statements, these features are what an ATM inherently *does*.

In response to applicant's argument that the prior art has not established what constitutes the 'normal component' or 'a typical ATM' at the time of the present invention, Examiner disagrees. the Infoworld reference clearly identifies these.

In response to Applicant's argument against Official Notice being taken, to adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include the stating why the noticed fact is not considered to be common knowledge or well-known in the art (See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice is inadequate. The common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. The traversal was inadequate because the applicant' failed to specifically point out the supposed errors in the examiner's action including why the noticed fact is not considered to be well-known in the art.

In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

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In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner notes the applicant has argued each individual claim but with the same argument, as such, Examiner has grouped all arguments into response.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Kelly Campen

Conferees:

Vincent Millin

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



Sam Sough

